

**RULES AND REGULATIONS CONTROLLING OUTDOOR ADVERTISING
AND DIRECTIONAL AND OTHER SIGNS AND NOTICES**

24 VAC 30-120-170. Criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure.

A. To be classified as a nonconforming sign or structure, such sign or structure must have been in lawful existence on the effective date of the state law or regulation or changed condition and must continue to be lawfully maintained.

B. To be allowed to continue as nonconforming, a sign or structure must remain substantially unchanged from its condition as of the effective date of the state law or regulations or changed condition.

1. Replacement, extension, or enlargement of the sign or structure is a substantial change in the existing use.

2. The change of location or height of such sign or structure is a substantial change in the existing use.

3. A change of the message content is not a substantial change in existing use. In the event a sign has been blank for a period of 18 consecutive months, the owner will be given written notice of 120 days to display a message on or remove such sign structure.

In the event a message is not displayed on the sign structure within 120 days from the postdate of the aforementioned written notice, the permit shall be cancelled.

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4. Rebuilding, or re-erecting the sign or structure, is a substantial change in existing use if such rebuilding, or re-erection expenses exceed ~~60%~~ 50% of the current replacement cost new of the entire sign or structure.

EXCEPTION:

If it can be demonstrated to the satisfaction of the commissioner that a nonconforming sign or structure has been vandalized or subject to other criminal or tortious act, then the replacement, rebuilding, or re-erecting of such sign or structure will not be considered a substantial change in existing use irrespective of the cost of such replacement; however, it will be considered a substantial change in existing use if damage to nonconforming signs or structures is caused by natural disasters, hurricanes, high winds, hail, or the like, and such damage exceeds ~~60~~50% of the current replacement cost new of the entire sign or structure. In the event vandalism and an act of God combine to damage a nonconforming sign or structure, the commissioner shall determine the percentage allocated to each cause of damage before determining whether a substantial change in existing use has occurred.

5. Normal upkeep and repair of such sign or structure on a frequent basis, to the extent that the total cost of such repairs in the 12-month period would not exceed ~~60~~50% of the current replacement cost new of the entire sign or structure, is not a substantial change in existing use.

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C. In reaching a determination on the cost point in subdivisions B 4 and B 5 of this section the following will apply:

1. The sign owner shall furnish the commissioner cost data supporting any contention that such sign or structure is not damaged more than ~~60~~50% of the current replacement cost new.
2. The commissioner may also utilize any other data available to him.
3. A sign or advertising structure lawfully in existence under the "Grandfather Clause" (see 24 VAC 30-120-160, Definitions) must conform to the criteria set out herein.
4. Certain standard maintenance practices and techniques utilized by the industry relating to how repairs are accomplished may be individually approved, in which case nonconforming rights shall not be terminated.
5. A nonconforming sign or structure that does not conform to the foregoing criteria shall constitute a substantial change in existing use thereby terminating nonconforming rights and legal status.

D. Once the sign owner has submitted the data per paragraph (C), the commissioner per §§ 33.1-352 and 33.1-370.2 shall make a determination whether the cost of the requested/required repairs exceeds 50% of the current replacement cost new of the entire billboard or structure. The determination shall be communicated to the sign owner and the building official of the locality. The sign owner is required to apply for a building

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permit from the locality before repairs can be commenced. If the commissioner's determination is objected to by the building official of the locality, for good cause shown, and submits the objection to the commissioner, copy to the sign owner, within 30 days of the building permit application by the sign owner, the commissioner per §§ 33.1-352 and 33.1-370.2 shall consider the documentation submitted by the building official and reissue a determination, which determination shall be binding upon the locality.

CERTIFICATION

I certify that this regulation is full, true, and correctly dated.

Deputy Commissioner
Donald R. Askew, P. E.

Date